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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum*

BENIN

[22 January 1997]

* The annexes to this report are available for consultation in the secretariat.

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Introduction

1. Thousands of children are dying from easily avoidable diseases; are suffering from malnutrition; are dropping out of primary school or have never been registered there; and are being put to work at an early age and deprived of all their rights.

2. The reasons for this situation are to be found in the perpetuation of poverty; according to the UNDP development indicator, of the 173 countries ranked in 1993, Benin came in 162nd position. Attention must be drawn to the inadequacy of economic growth for future generations and the ensuing risk of a fragmented society confronted by difficult problems. It follows that every country in the world, whatever the degree of development it has attained, must redouble its efforts to protect the coming generations. To that end the political leadership in each country must commit itself to the mobilization of the resources required for the dissemination of the Convention on the Rights of the Child, its incorporation in national legislation and its effective implementation.

3. With that end in view, paragraph 1 of article 44 of that Convention stipulates that:

> "States parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
>
> (a) Within two years of the entry into force of the Convention
>
> ...
>
> (b) Thereafter, every five years."

4. Children are an element of fundamental importance in Beninese society. They are looked on as family treasures and as the cement which binds families together. This explains the speed with which Benin ratified the Convention on the Rights of the Child, on 3 August 1990.

5. A genuine process of consultation, designed to develop awareness of the Convention on the Rights of the Child among the population and to study methods of implementing it, has been developed involving the State, UNICEF, the Institute for Human Rights and national bodies such as the Benin section of Defence for Children International (DEI), the Study and Research Group on Democracy and Economic and Social Development (GERDDES), the Association for the Prevention of Juvenile Delinquency (APDJ), the Benin section of Amnesty International and the Benin Association of Women Lawyers. The Government of Benin attaches particular importance to the implementation of the provisions of the Convention.

6. Evaluation of the basic needs of the child has always been a matter of priority concern for the State, which considers that particular emphasis should be laid on the satisfaction of basic needs. It is difficult to speak of the rights of children without ensuring their health and education and shielding them from social exclusion and poverty. The Government of Benin has

therefore set up major programmes for the benefit of children. These include the Expanded Programme of Immunization (EPI/PEV), integrated within primary health care (PHC/SSP), the National Programme of Action on Behalf of Women and Children (PNA) and the Benin/UNICEF Cooperation Programme, 1994-1998.

7. None of these measures can be effective without the support of the international community. The latter will have to help the Government of Benin to moderate the undesirable effects of poverty, which has been worsened by the structural adjustment programmes and devaluation of the CFA franc. To be effective this Convention should be disseminated throughout the country, in particular within communities. The Government urgently requests the participation of international agencies, non-governmental organizations (NGOs), shapers of opinion, grass-roots communities, and families and children (who are the ones principally concerned) in this task. It can thus be said that today considerable efforts are being made by this country.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken

8. Benin ratified the Convention on the Rights of the Child on 3 August 1990.

These acts reflect the new direction adopted by the people of Benin following the Conference of the "driving forces of the nation" held in February 1990. This direction is reflected in the preamble to the national Constitution of 11 December 1990, in which Benin solemnly affirmed its determination to create a State subject to the rule of law and based on pluralist democracy and in which the fundamental rights of man, public freedoms, the dignity of the human person and justice are guaranteed.

B. Mechanisms established

9. After the ratification of the Convention on the Rights of the Child and the commitments entered into at the World Summit for Children held in New York in September 1990, Benin both strengthened existing structures and established new mechanisms in order to secure better implementation of the provisions of this Convention. By Decree No. 94-314, dated 30 September 1994, Benin established a committee for Coordination and Follow-up relating to the National Plan of Action on behalf of Women and Children (PNA). The tasks of the committee are:

- To determine the sectoral programmes and projects to be undertaken in order to attain the goals of the PNA;
- To draw up a multisectoral programme determining priorities and synergies among projects selected;
- To incorporate the programming of PNA projects within the programming of public investment;

- To evaluate the results obtained every six months and to effect any desirable readjustments in the programme or in its annual segments;

- To seek out and mobilize the resources necessary for the implementation of the different aspects of the programme;

- To mobilize society in support of the programme by promoting awareness within the target populations and motivation within the private sector;

- To ensure coordination of the activities carried on under the programme;

- To define appropriate strategies for the effective conduct of programme activities.

The State must also ensure that the Convention on the Rights of the Child is made widely available in the national languages through all the mass communication media, and in particular through the radio and television broadcasting services. It must also ensure teaching of these rights.

Preparation and dissemination of the report

10. Under article 44 of the Convention on the Rights of the Child, States parties are requested, two years after the entry into force of the Convention and thereafter every five years, to submit to the Committee on the Rights of the Child reports on the measures they have taken. For this purpose the State of Benin established in 1996 by decree a national committee to monitor the implementation of the international human rights instruments. The task of that committee is to prepare, for submission to the competent institutions, reports on the implementation in Benin of conventions, covenants and protocols relating to human rights.

11. For purposes of finalization of this report, the first draft of which had been prepared earlier by the above-mentioned committee, a training course on the techniques of drafting and submission of reports concerning international conventions on human rights was held on 7-11 October 1996 under the auspices of the Ministry of Justice, Law and Human Rights (with the assistance of UNICEF and UNDP). The participants were the members of the national committee, which had been expanded to embrace other fields of competence; two international experts also attended. The outcome of the seminar was the final version of Benin's first report on the effect given to the Convention on the Rights of the Child.

12. Measures have been taken to disseminate knowledge of this report. Radio and television broadcasts, seminars and lectures have been organized and publications have been prepared in the national languages.

Harmonization of national law with the convention on the rights of the child

13. A comparative study of Beninese legislation and the Convention on the Rights of the Child brings to light areas of convergence and divergence.

The areas of convergence relate to enjoyment of fundamental freedoms (Constitution of 11 December 1990) and the application of certain general principles (non-discrimination, recognition of the best interests of the child); in these areas there is complete conformity between Beninese legislation and the Convention. The same can be said with regard to justice for minors (Ordinance No. 69-23, dated 10 July 1969).

As regards divergencies, it should be mentioned that in the field of civil law the provisions of paragraph 2 of article 195 of the Dahomey Code of Customary Law (Contumier du Dahomey), relating to adoption, do not take into account the best interests of the child.

14. However, it should be borne in mind that the provisions of the Convention should be applicable in this area, since article 147 of the Constitution of 11 December 1990 states that the Convention has authority exceeding that of national legislation.

Difficulties encountered in the implementation of legislation

15. Benin is a country with oral traditions and comprises many illiterates, who have no knowledge of the legislation and are consequently unaware of their rights and duties, this notwithstanding the efforts made in recent years by the State in the fields of extension, dissemination and development of awareness.

16. The administration of justice for minors in Benin is based on Ordinance No. 69-23/PR/MJL, dated 10 July 1969, relating to offences committed by persons under 18 years of age. Article 13 of that ordinance stipulates that "the judge shall, by means of a social investigation, obtain information on the material and moral situation of the accused minor, his character, antecedents and personality, the persons he frequents in school, his attitude in school, the conditions in which he has lived and been brought up and the appropriate means of re-educating him, and also the moral and material situation of his parents". Thus the judge orders the social service attached to the court to conduct a social investigation relating to the minor (his parents, his frequentations, etc.). Once the findings of the investigation have been received, the juvenile court judge may decide either to assign custody of the child to his or her parents under the supervision of the social workers or to place him or her in a centre of a social nature to be re-educated and integrated into society.

17. Judges often encounter difficulties of various kinds in the performance of this task. One example is the inadequacy of the reception facilities; Benin has only one centre with nationwide competence (the National Centre for the Protection of Children and Young Persons). However, it should be

mentioned that Decree No. 96-299, dated 18 July 1996, concerning the powers, organization and functioning of the Ministry of Justice, Legislation and Human Rights, provides for the establishment of a centre in each département.

Institutions and organizations acting for the benefit of children

Government institutions

18. There are seven ministries dealing with different aspects of problems relating to children. They are: the Ministry of Health, Social Protection and the Condition of Women (which handles matters relating to the improvement of the health of mothers and their children); the Ministry of National Education and Scientific Research (which endeavours to secure equality of opportunity for boys and girls within the educational system); the Ministry of Justice, Legislation and Human Rights, which, through its different agencies and specialized institutions (which include the National Centre for the Protection of Children and Young Persons - CNSEA), is concerned with the monitoring of children placed under supervision; the Ministry of Planning, Economic Restructuring and Employment Promotion, which coordinates the National Programme for Women and Children and the Benin/UNICEF Cooperation Programme; the Ministry for Youth, Sports and Leisure, whose tasks include the provision of opportunities for relaxation and leisure for children; the Ministry for the Public Service, Labour and Administrative Reform, which, among other things, establishes regulations concerning child labour and supervises their implementation; and the Ministry of the Interior, Security and Territorial Administration, which protects children in difficult circumstances through the agency of the Brigade for the Protection of Minors.

Non-governmental institutions, associations and organizations

19. Benin has encouraged the creation of national organizations, institutions and associations. The following exist:

- The Benin Committee for Human Rights, established under Law No. 89-004, dated 12 May 1989; its task is to promote and safeguard the rights of the child in the Republic of Benin;

- The Benin section, established in 1990, of Defence for Children International, a non-political NGO established to promote and defend the rights of the child throughout the world;

- Amnesty International, an international NGO seeking to promote respect for the provisions of the Universal Declaration of Human Rights; the Benin section was created in 1991;

- The Association for the Prevention of Juvenile Delinquency, established on 20 September 1990; it seeks to improve awareness among the general public of the responsibilities of parents towards their children. It organizes group activities for children who have dropped out of school in the places where they live in order to keep them within their respective environments;

- The Study and Research Group on Democracy and Economic and Social Development (GERDDES-Benin), established in Benin in 1990; it seeks to promote democracy with a view to accelerating economic and social progress;

- The Benin Association of Women Lawyers, which was established on 20 January 1990 to defend human rights, particularly those of women and children;

- The Benin Alliance for the Survival and Development of the Child (ABSDE), which works to promote the cause of children;

- "Terres des hommes" and the "Enfant en situation difficile" project, both of which seek to ensure the survival and well-being of children;

- The SOS village for children (SOS Kinderdorf International) which offers a permanent home for orphaned and/or abandoned children.

20. The Government of Benin is planning a number of activities of conventional types parallelling the various activities being conducted by these institutions and organizations.

Planned events promoting the cause of children

21. A variety of events promoting the cause of children are planned. They include:

- The Day of the African Child, organized on 16 June every year with the support of UNICEF and a substantial financial contribution from the State; it is attended by the Head of State in person;

- Benin Children's Day, which was held for the first time on 23 December 1995; all the events were financed by the State;

- Holiday camps, "Christmas for the young" events and prizes for the children who have done best at school.

22. Certain steps have been taken to collect statistics for purposes of evaluation of the different activities undertaken by the various institutions mentioned above.

Indicators of the situation of children

23. From the data routinely collected by the Ministry of Health, Social Protection and the Condition of Women the following findings, relating to 31 December 1995, have emerged:

96 per cent of children had received BCG vaccinations (as against 67 per cent in 1993);

89 per cent had received DTC3 vaccinations;

81 per cent had received anti-measles vaccinations (VAR);

80 per cent of all health centres were practising oral rehydration therapy (TRO).

24. The results of an inquiry organized into nutrition standards are not yet available.

25. According to the general population and housing census which took place in February 1992, 33.8 per cent of all children between ages 6 and 11 (41.2 per cent of boys and 25.6 per cent of girls) were attending school.

26. Another population and health inquiry has just been completed by the Ministry of Planning, Economic Restructuring and Employment Promotion as part of the evaluation of the intermediate targets of the National Programme of Action on Behalf of Women and Children (PNA), but the results are still awaited.

State involvement

27. Following an overall analysis of the living conditions of Beninese children and an evaluation of their needs, the country has undertaken a strengthening of existing structures and also the creation of new mechanisms for purposes of better implementation of the provisions of the Convention. Benin has adopted a National Programme of Action on Behalf of Women and Children. A coordinating committee was established for this programme by Decree No. 94-314, dated 30 September 1994 and placed under the authority of the Ministry of Planning, Economic Restructuring and Employment Promotion. Specific targets were set for the year 2000 together with intermediate objectives for 1995.

Targets for the year 2000

28. The targets set for the year 2000 were: a reduction in the infantile mortality rate from 88 per mil to 69 per mil and the mortality rate among children under age 5 from 150 per mil to 100 per mil. The means of achieving these targets include an increase in the proportion of children vaccinated against the six vaccinable diseases from 67 per cent in 1990 to 85 per cent by 2000; the eradication of poliomyelitis, neonatal tetanus and dracunculosis; and a 20 per cent reduction in the incidence of diarrhoeal diseases recorded in health centres by a correct use of TRO in 80 per cent of cases of diarrhoeal sickness by 1995 and 90 per cent by 2000.

29. Other objectives envisaged are:

- A halving of the maternal mortality rate (from 800 per 100,000 births to 400);

- A reduction in the incidence of moderate malnutrition among children under age five from 40 per mil to 20 per mil;

- Ensuring that 70 per cent of the rural population has access to drinking water supplies at a rate of 20 litres per inhabitant and per day;

- Raising the rate of primary school attendance from 59 per cent to 78 per cent, with special attention being paid to girls.

Intermediate objectives for 1995

- An increase in the rate of coverage by DTCP1 vaccination from 67 to 80 per cent and that of coverage by anti-measles vaccination from 70 to 95 per cent;

- Eradication of neonatal tetanus;

- The reduction of the measles-related mortality rate from 6.6 to 0.33 per cent;

- Checking the transmission of poliovins by increasing vaccination coverage from 73 to 90 per cent;

- The eradication of disorders related to vitamin A deficiencies (present rate 5.3 per cent);

- Ensuring that all salt consumed in Benin is iodized;

- Increasing the rate of use of TRO[2] in health units;

- Ensuring that all health units become "friends of babies";

- Eradication of dracunculosis;

- An increase in the attendance rate of girls at primary schools from 43 to 50 per cent;

- Raising of the availability of drinking water supplies from 54 to 60 per cent and of the rate of disposal of waste water from 35 to 38 per cent.

30. This programme has set specific objectives in the fields of health, water and drainage, formal and non-formal education, women and development, social mobilization and advocacy.

31. The National Programme of Action forms an integral part of the programme for the social dimension of development, designed together with UNDP and the World Bank and seeking to moderate the impact of the structural adjustment programme on the most disadvantaged sectors of the population.

32. The cost of the activities and programmes identified is estimated at US$ 88 million. Two approaches are envisaged for the mobilization of resources:

- A more effective utilization of the resources available;

- The securing of new sources of finance, with participation by the social partners and the beneficiary population groups.

33. A programme of cooperation between Benin and UNICEF covering the period 1994-1998 has been established. Its aim is to improve significantly the quality of life of the population; it lays particular stress on the promotion of human resources.

The contribution of the international cooperation agencies

34. All these targets cannot be attained with the resources of the State budget alone. Substantial technical, material and financial support is being given to Benin by a number of international institutions, particularly in the fields of education, health and nutrition. UNICEF/Benin, UNDP and UNESCO are helping Benin in a wide range of fields to fulfil the promises it has made to children.

35. Other external partners, such as the World Bank, USAID and the French, Swiss and German bilateral cooperation agencies are helping Benin to implement in full the country's new educational policy, adopted on 15 January 1991 and designed to improve the quality of teaching and to increase institutional performance, with particular emphasis on promoting school attendance among girls. WHO and UNICEF are assisting with the attainment of targets in the health and environment sectors.

36. It should also be mentioned that UNICEF is giving support to some non-governmental organizations concerned with the promotion of the rights of the child. The value of the financial assistance given by UNICEF in relation to programmes for the benefit of children (health and nutrition, education, water, drainage, the campaign to eradicate the guinea worm, advocacy, mobilization, social follow-up and evaluation) is estimated at US$ 20 million.

Advocacy in the cause of children

37. The PNA indicates that Benin has planned social mobilization and advocacy campaigns. Their principal aim is to awaken within public opinion genuine interest in the development and survival of the child by the establishment of effective communication media for the transmission of messages adapted to the different population groups and to stimulate community participation at the grass roots. Plans have also been made to secure the support and the loyal cooperation of opinion shapers, information media and communications professionals in support of the aims of the PNA in association with département, municipal and local authorities.

Various types of didactical material - T-shirts, posters, banderoles and leaflets prepared by UNICEF - are used.

Dissemination of the Convention

38. Benin's commitment to promote the welfare of children has taken the concrete form of distribution of the Convention during the different events organized to commemorate the Day of the African Child (16 June) and Benin

Children's Day (23 December). A number of subjects relating to the life of children have been examined at lectures, debates, round table meetings, seminars and study meetings.

39. The NGOs also take part in these activities designed to disseminate knowledge of the Convention. They are supported by the international organizations or various local foundations. The means used range from educational sketches denouncing violations of the rights of the child to seminars organized by them with the cooperation and direct participation of all the State agencies and other NGOs serving the same cause and pursuing the same objectives.

40. All the activities undertaken to spread knowledge of the Convention among the general public and to make it widely available are highly mediatized in both French and the national languages. The participants are:

- Modern communication media (radio and television broadcasting, the cinema, the public and private press);
- The local communication networks;
- The traditional chiefs;
- The different religious denominations.

Integration in school syllabuses

41. Teaching of the rights of the child has not yet been included in syllabuses. A lesson has been included in the syllabuses for the final stages of primary education; but the time allotted for it (half an hour per week) is insufficient to permit study of the Convention in any depth. Some NGOs are running pilot projects involving the teaching of the rights of the child in schools; but the latter are few in number.

42. In August 1996 the Institute for Human Rights and the Promotion of Democracy organized a seminar on the implementation of the provisions of article 40 of the National Constitution of 10 December 1996. That article requires the State to take responsibility for ensuring teaching in schools covering all the international instruments relating to human rights, and for making those texts available, in both the official and the national languages. In that seminar comments were made by various speakers on the rights of the child and the science and methodology of teaching the subject in pre-school and school systems. The findings of the seminar are being considered by the Ministry of National Education.

II. DEFINITION OF THE CHILD

43. Article 1 of the Convention on the Rights of the Child defines a child as any human being below the age of 18 years. Beninese legislation contains no precise definition of a child. It refers to minority and majority. The latter varies according to whether the context falls within the scope of civil, criminal or social legislation.

44. Under Ordinance No. 69-23/PR/MJL dated 10 July 1969, relating to treatment by the courts of offences committed by minors, the age of majority in the field of criminal law is fixed at 18. For electoral purposes, under article 4 of Law No. 94-013, dated 17 January 1995, a person who has reached age 18 on the day of the voting is deemed to have attained majority.

45. Article 388 of the Civil Code stipulates that a minor is a person of either sex who has not yet reached age 21.

46. Thus any minor under age 21 is required to obtain authorization from his parents before taking a test or a competitive examination for admission to any public or semi-public administration. He has no locus standi in the courts and may not on his own initiative consult a lawyer or a doctor without the consent of his parents. However, in the informal sectors, this minimum age is not respected, and the principle is often violated in practice. In urban areas, for instance, girls under age 21 undergo abortions without parental authorization.

47. However, minors who feel that their physical, moral or psychological health is threatened sometimes do not hesitate to consult a social worker, a juvenile court judge or even the members of the criminal investigation unit working in the Brigade for the Protection of Minors. In so doing he is exercising his right of referral in accordance with articles 375ff of the Civil Code, which provide for measures of educational assistance to ensure the social protection of a minor who is thus threatened.

(a) Employment

48. In Benin, articles 107 and 108 of Ordinance No. 33-PR/MFPTT (Labour Code), dated 28 September 1967 prohibit the employment of a child under 14 years of age in any enterprise (even as an apprentice) and authorize labour inspectors, either on their own initiative or at the request of the child concerned, to call on the services of an approved physician to determine whether the work assigned to a child exceeds his strength. The terms of payment and conditions of employment of young workers are regulated by the provisions of articles 35 and 44 of the General Collective Labour Agreement of 17 May 1974.

(b) Attendance at school

49. Under article 13 of the Constitution of 11 December 1990, primary education is compulsory, and the State makes education for youth available by establishing schools, in which it is progressively introducing free tuition. The age for school attendance is six to seven years for the first and second years of schooling, and seven to eight years in cases of late admission in rural areas.

50. To this end, under the terms of circular letter No.3532/MEN/CAB/DAPS/SA, dated 1 October 1993, girls are fully exempted from payment of tuition fees in rural areas, in accordance with the territorial divisions in force in Benin. Better still, a 50 per cent exemption is applied in all secondary education establishments.

(c) Marriage

51. Article 144 of the Civil Code stipulates that no man under age 18 and no woman under 15 may enter into marriage. Circular AP No. 128, dated 19 March 1931, containing the Dahomey Code of Customary Law, which is still in force on this subject for persons who have not opted for coverage by statute legislation, states that the age of marriage is 18 to 20 years for a boy and 14 to 15 years for a girl (art. 57). In practice this rule is not complied with on account, firstly, of the wide range of existing legal customs in the field of marriage, and secondly, on account of factors affecting the will of the future spouses, namely the fact that in traditional law and in rural areas marriage is an act entered into, not by two persons but by two families, and that consequently the wishes of the father exercising parental authority have a considerable impact on the conclusion of a marriage. In contrast, in urban areas it has been observed that, with the impact of western civilization, the persons directly concerned in a marriage are much more inclined to accept foreign standards. This situation deprives custom of all significance, and the age criteria laid down are ignored. Increasingly, young people are waiting to have sufficient resources before marrying.

52. Polygamy exists. It is legal throughout the country.

(d) First sexual experiences

53. As a rule, young people do not often discuss the matter with their parents before undertaking their first sexual experiences. In recent years, on account of the ravages caused by AIDS, the schools have been requested to lay emphasis on sexual education. The mass media are also promoting awareness of the problem among parents and children. Thus it is the fear of danger which is leading to increasingly widespread discussion of questions relating to sexuality, a subject which was previously taboo.

(e) Enlistment in the army

54. The minimum age required for enlistment in the army, either as a volunteer or as a conscript, is 21 years.

(f) Criminal liability

55. Minors under age 18 charged with an offence are tried before a juvenile court, which is a court of special jurisdiction. Under criminal law majority is attained at age 18. No penalty may be inflicted on a minor under age 13, who benefits from an unchallengeable presumption of irresponsibility in criminal law (absolute legal irresponsibility in criminal law). A minor aged 13 or over may be sentenced to deprivation of liberty, provided that the penalty may not exceed half that which he would have incurred if he had been over 18 years of age.

III. GENERAL PRINCIPLES

(a) Non-discrimination

56. Article 2 of the Convention lays down the principle that all the rights set forth in it must be granted to every child without discrimination of any kind and requires States parties to protect the child against all forms of discrimination, irrespective of the child's or his or her parents' or legal guardian's race, colour, sex, language, religion or political or other opinion.

57. Article 26 of the Benin Constitution stipulates that the State shall ensure equality before the law for all without distinction relating to origin, race, sex, religion, political opinion or social position; it also stipulates that men and women are equal under the law.

58. In practice many forms of discrimination do exist. In accordance with certain traditional beliefs held by family collectivities or parents, a child may be rejected on account of the circumstances of his birth (breech presentation, premature birth or birth with teeth). As a result of sustained activity by certain NGOs, religious missions and some institutions offering shelter, the number of children who suffer from discrimination of this kind is gradually declining.

59. For economic reasons, the social origin of a child may constitute grounds for discrimination. For example, children born into particularly disadvantaged population groups may be placed with families, with the fruits of their labour going either to their biological parents or to the persons in whose custody they are temporarily placed.

60. The constraints imposed on girl children with regard to marriage constitute discrimination against them. The existing situation prevents them from continuing their studies effectively. To remedy this situation the State decided, by circular letter No. 3532/MEN/CAB/DC/DAPS/SA, dated 1 October 1993, to exempt girls in the localities concerned from tuition fees. This measure is designed to give incentives and motivation.

61. Discrimination based on sex still exists. In the educational field the proportion of girls attending school is lower than that of boys. The disparity is particularly marked in rural areas. In 1995, 67.6 per cent of boys and 40.5 per cent of girls were attending school. The overall attendance rate for both sexes was 54.6 per cent. There are considerable differences between school attendance levels in urban and rural areas.

62. The two northern départements (Atacora and Borgou) are particularly disadvantaged in comparison with Mono and the rest of the country. This is apparent from the following table:

1994	Atacora %	Borgou %	Mono %
Overall rate	43.47	37.54	64.66
Boys	56.29	45.61	86.55
Girls	29.4	28.73	40.2

In addition, in the other départements the rates of attendance in certain rural areas are well below the département averages.

Causes of low rates of attendance among girls

63. The causes of the low rates of attendance among girls derive from economic and socio-cultural factors and the educational system itself. The education imparted does not meet the concerns of parents, who consider that schooling is a waste of time, especially for girls; the girls themselves are discouraged by repeated failure; and the reservations of parents are strengthened by the behaviour of some teachers, who abuse girls in rural areas. The low proportion of women teachers in rural areas (13.7 per cent, as against 51.8 per cent in urban areas) has a negative influence on the admission of girls to school and their continuance in school.

64. Turning to the subject of school attendance in general, it must be recognized that certain difficulties are present. These derive from the shortage of classrooms, notwithstanding the large numbers of pupils (3,000 schools for 700,000 pupils); the poor quality of the available infrastructures; and the decline in the number of teachers on account of the recruitment freeze imposed in 1986 on account of the implementation of the structural adjustment programme.

Rights of children born outside marriage

65. In Benin all children, both legitimate and natural, have the same rights.

Measures taken with regard to traditional practices or attitudes

66. For some years certain NGOs and religious institutions have been campaigning against infanticide and certain traditional practices (such as excision) affecting the health of mothers and children. Among the NGOs mention may be made of ICAF/Benin, Terre des Hommes, and the BIO-SANOU project of Abbé Pierre on behalf of children designated as "sorcerers"; that designation is in fact a death sentence, but the children concerned are occasionally saved by NGOs.

(b) The best interests of the child

67. Since Benin ratified the International Convention on the Rights of the Child, children have become a central concern of its social policies. This should come as no surprise, since the concept of the best interests of the child is the key concept of the Convention.

68. If the father and mother prove unable to assume their responsibilities, article 18 of both the Civil Code and the Dahomey Code of Customary Law empower the courts to deprive them of their parental authority and confer it on a guardian.

Views of the child

69. In Benin, in legal proceedings (for example, those concerning family relationships) great importance is generally attached to the views of children.

Within the context of family life

70. The Convention on the Rights of the Child recognizes that children have the right to express their views on all matters or proceedings concerning them and to have those views given due weight. This recommendation in the Convention is not easy to put into practice in Benin, where by tradition little importance is attached to the views of children. However, in intellectual circles parents are tending increasingly to take into account the views of children concerning their education, choice of school, leisure activities, etc. The same is not always true in rural areas.

IV. CIVIL RIGHTS AND FREEDOMS

71. Articles 7 and 8 of the Convention stipulate that the child, like any other human being, shall enjoy the fundamental rights of the individual by having a name and a nationality. States parties are required to respect the right of the child to preserve his or her identity or to help it to do so when it is illegally deprived of elements thereof.

(a) Name and nationality

Name

72. In Benin a child, whether legitimate or natural, always bears the name of its father except where paternity is challenged; in such cases it bears its mother's name. As a general rule the affiliation of a child is patrilineal. This concern to attach the child to a family is set forth in article 7 of the Convention.

73. As a general rule, and in accordance with article 184 of the Dahomey Code of Customary Law, a child born of an adulterous relationship becomes part of the family, not of the lover, but of the husband; he or she is treated as a legitimate child. The husband may always refuse to accept custody of such a child and obtain from the biological father reimbursement of the expenses incurred for its maintenance.

74. Cases of children of incestuous relationships are quite rare in Benin. Any cases recorded fall within the authority of the chief of the extended family. Some tribes, such as the Batonu, abandon children of this kind.

Establishment of birth certificate

75. Under article 55 of the Civil Code, every birth of a child must be declared to the civil registry authorities within the three days following the birth. The declaration may be made by the parents, or, failing them, by a physician, midwife, health official or any other person who was present at the birth. The certificate specifies the date, time and place of the birth, the sex of the child and the forenames it will be given, together with the names, forenames, ages, occupations and places of residence of the father and mother and, where appropriate, those of the person making the declaration. In practice, however, some babies in isolated regions are delivered by older women of the village. Children born in such conditions do certainly receive a name and forenames; but their birth is not declared immediately. The need to obtain a court order in lieu of the declaration arises only on certain occasions in their lives (school attendance, marriage of illiterates or where a file has to be constituted).

Issue of court judgement in lieu of declaration; statistics

76. Since 1990, having opted for democracy and a State subject to the rule of law, Benin decided to provide its people with modern legislative texts and to enable them to evolve without breaking away from their traditional roots. It also decided that a single set of laws should be applicable to all Benin citizens. Under the principle of choice of legislation applicable granted under the Outline Law of 1958, for purposes of civil status some citizens are governed by the French Civil Code and others by customary law.

Nationality

77. In Benin, the texts in force regarding nationality are:

- Law no. 65-617 dated 23 June 1965, establishing a code of Dahomean nationality;

- Decree no. 272-P-C/MJL, dated 11 August 1965, establishing the detailed provisions for the application of the Nationality Code;

- Instructions issued by the Minister of Justice and Legislation.

78. Article 7 of Law 65-17, establishing a code of Dahomean nationality, states that "any person born in Dahomey of a father who was himself born in that country is Dahomean. Any person habitually resident in the territory of the Republic of Dahomey and possessing the status of Dahomean is presumed to fulfil the two conditions. A new-born child found in Dahomey is presumed to have been born in Dahomey save proof of the contrary."

79. Under article 12 of the Nationality Code:

- (1) A child born of a Beninese father;

- (2) A child born of a Beninese mother when the father is unknown or who, under the terms of article 13 of the Nationality Code, has no known nationality, save that, if the child is not born in Benin, it may repudiate its Beninese nationality during the six months preceding the date of attaining majority;

- (3) A child born of a Beninese mother and a father of foreign nationality;

is a Beninese citizen.

80. The provisions relating to nationality are not in contradiction with the spirit of the Universal Declaration of Human Rights. The texts still in force on the subject in Benin do not exclude dual nationality. A person born outside Benin, or born in Benin of foreign nationality, is entitled to dual nationality. Acquisition of nationality entails acquisition of all the rights attaching thereto. A candidate for the position of Head of State must, among other things, be a Beninese national by birth or have acquired that nationality at least 10 years ago.

(b) Preservation of identity

81. A Beninese child, whether legitimate, natural or born of an adulterous relationship, is always a member of a family. In the first two cases, that of the father; in the third case, he is often a member of the family of the husband unless claimed by the biological father or rejected by the mother's husband. A Beninese child has a name which is duly recorded on his birth certificate by the civil registry or on the text of the judgement in lieu thereof established before the conciliation tribunal.

Failure to make compulsory declarations without good cause renders the offender liable to a penalty

82. False declarations, perjury and the alteration or wilful destruction of a civil register or civil registry certificate are offences. In addition, civil registry officials are personally liable vis-à-vis individuals in respect of any fault or negligent act committed by them or the disappearance of registers occurring during the exercise or in the course of their duties, insofar as the individuals concerned suffer prejudice thereby. In addition, such acts may give rise to penal sanctions or disciplinary measures.

83. No change in civil status may be made, and no forenames may be added, except on application to the president of the court of first instance at the place of residence of the applicants or by decision of the judge responsible for civil status matters on the desirability of the change applied for.

(c) Freedom of expression

84. Article 23 of the 1990 Constitution sets forth the principle of the fundamental rights and freedoms of thought, conscience, religion, creed, opinion and expression with respect for public order as defined in laws and regulations. Thus in Benin freedom of expression is granted to children, who can express themselves through speech and games, and who also need to create

and to make their imaginations work in order to develop their personalities and maintain psychological and physical equilibrium. Every effort is made to encourage expression of this kind.

85. Cultural and artistic institutions and clubs and associations are creating facilities enabling children to take part in the different imagination-stimulating activities. Examples are:

The Benin Council for Educational Activities (CAEB), created on 22 May 1967. Its aims include the development of the activities of children and young persons by means of traditional and modern games and to promote their well-being and success in life;

In the French cultural centre in Cotonou the "story hour" has since 1988 been replaced by the Imagirêve Club, which seeks to help children to develop their creative imaginations through reality and fiction. In a number of situations children are given opportunities orally to express their impressions and feelings.

86. Since 1990, over 50 associations working for the benefit of children have been identified.

(d) Access to information

87. In Benin children are by tradition educated by their parents, aunts and uncles within the extended family and by means of fireside tales.

88. Today children have access, according to their social condition, their age and their maturity, to a range of sources of information through the mass media, their teachers, street gossip and griots (clan, cultural or spiritual leaders). These information media are sometimes of social and cultural usefulness. They create children's programmes on radio and television, produce children's books and create sketches, clips and plays. All these elements are designed to help children to react, to express themselves, to communicate with other children and to express their viewpoints on questions of day-to-day living.

89. There are legislative texts designed to protect young persons which regulate the control of films. There is a national board of film censors, which is the supervisory board responsible for making recommendations on the projection of cinema films, the import and distribution of sound recordings, film shooting and sound recording. It was established in pursuance of article 1 of Decree No. 196/PCM/MI, dated 29 July 1960, as amended by the Decree of 17 May 1962. This board expresses views on the nature of films, issues permits and makes reasoned recommendations. Its task is to prohibit the showing of films inciting to violence and horror to minors under age 13 and of pornographic films and obscene still projections to minors under 18. All these films are classified in category X. When the showing of a film to minors is prohibited, cinema operators are required, on pain of a fine, to post a notice 50 centimetres square drawing attention to the prohibition.

90. However, much still remains to be done to ensure that all children, whatever their social level, have equal opportunities of obtaining access to information.

(e) Freedom of thought, conscience and religion

91. This provision, in the first paragraph of article 14 of the Convention, stems from the principle that a child is fully a subject at law. The Convention, in stating that "States parties shall respect the right of the child to freedom of thought, conscience and religion", sets forth a universal principle which had not been formally enunciated before 1989. However, it goes on to say that the State "shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child" (art. 14, para. 2).

92. In Benin the nuclear family or the community group brings up children in accordance with its values and culture. Children remain under the authority of their parents or teachers until they reach their majority or are emancipated.

(f) Freedom of association and peaceful assembly

Protection of privacy

93. Articles 20 and 21 of the Constitution provide for inviolability of the home. Entry into or searches of the home may be effected only in the forms and under the conditions laid down by law for certain acts pertaining to justice or for social and psychological investigations to be carried out for purposes of protection of children or their families. Confidentiality of correspondence and communications is guaranteed by law.

(g) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

94. Article 37 of the Convention stipulates that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment or to capital punishment.

95. Article 18 of the Constitution provides that "no person shall be subjected to torture, nor to maltreatment, nor to cruel, inhumane or degrading treatment".

96. Article 312 of the Penal Code provides for the prosecution and punishment of parents or guardians guilty of ill-treatment or neglect of their children.

97. In Benin there are special juvenile courts, handling cases of juvenile delinquency, within the jurisdictions of the courts of first instance in Cotonou, Porto-Novo and Ouidah. These courts were established in pursuance of Ordinance No. 69-23/PR/MJL, dated 10 July 1969, which provides for special treatment for persons under age 18.

98. The specific provisions of this ordinance include measures providing for guardianship and education; it also provides that a delinquent minor under age 13 may not be subjected to any penal sanction, but only to measures of educational assistance (art. 23). A minor aged over 13 may be sentenced to a penalty not exceeding half of that to which he could have been sentenced if he had been 18 years of age or over.

99. Under article 32 a minor found guilty of a crime may be sentenced to detention or re-education. He may not be sentenced to capital punishment. At most he may be condemned to 10 to 20 years' imprisonment in an appropriate establishment. If he incurs a sentence of imprisonment for a fixed period, the duration of that imprisonment may not exceed half of the period to which he could have been sentenced if he had been over age 18.

100. Article 20 prohibits publication of records of proceedings, or of the identity or personality of delinquent minors; article 18 stipulates that hearings shall take place in camera. Under article 9 a lawyer is automatically assigned to a minor charged with a breach of the law.

101. In most of the eight detention centres and civil prisons in Benin, the prison authorities detain children in special compounds for minors.

102. As part of the social mobilization campaign on behalf of children in moral danger and with a view to the social reintegration and re-education of young delinquents, the National Centre for the Protection of Children and Young Persons (CNSEA), established under Decree No. 316/PR/MJL, dated 9 September 1967, was reopened in April 1995. Since 1982 it had been closed for rebuilding work.

103. With a view to ensuring the protection, re-education and reintegration into society of delinquent minors, a juvenile court judge may at any stage in the proceedings issue a reasoned order providing for detention and re-education measures, to be implemented either in an institution or, where educational assistance is given to the child and his family, in a non-custodial environment (arts. 20, 25 and 40 of the Constitution).

104. The provisions of article 37 of the Convention are in line with the Ordinance of 10 July 1969 concerning the judgement of offences committed by minors under age 18.

105. A major effort to prevent juvenile delinquency is being made by the Brigade for the Protection of Minors, which has nationwide competence. This brigade is a section within the criminal police; it was established in pursuance of Decree No. 83-233, dated 29 June 1983, concerning the establishment, organization and functioning of the Ministry of the Interior and Public Safety. It was subsequently reorganized by Order No. 045/MISAT/DGPN, dated 28 February 1991.

106. Its assigned responsibilities and tasks are:

- To ensure the protection of children and young persons by preventing maladjustment;

- To investigate crimes and offences committed by minors.

It specializes in investigations relating to minors in physical or moral danger. The statistics for 1994 are as follows:

Item	No.
Desertion of family	171
Ill-treatment	87
Kidnappings	25
Notifications of disappearance	9
Unlawful confinement	6
Threats	16
Thefts	2
Denials of paternity	26
Abortions	6
Rapes	5
Vagrancy	1
Confidence trickery	0
Trafficking in children	1
Repatriation	0
Infanticide	0
Arrests of minors	0
Total	355

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

(a) Parental guidance (art. 5)

107. A child is protected principally by his or her father and mother; they constitute his or her family, which is the primary social cell, the moral and material direction of which is in their hands. They have a duty to provide for the maintenance of the child and to channel his or her education and development in accordance with the child's intellectual capacities and abilities.

(b) Parental responsibilities (art. 18)

108. The two parents have primary and joint responsibility for bringing up the child.

109. A child owes honour and respect to its father and mother. It may not leave them without permission. In return, they are required to protect the child's health, security and morals. This implies rights and duties relating to custody, supervision and education, from which it follows that the parents are liable in civil law for damage caused by their under-age child, for which they are answerable under the terms of article 1384 of the Civil Code. In cases of necessity, all these duties may become the responsibility of the mother alone.

(c) Separation from parents

110. In Benin the extended family is a system of parenthood stemming from the recognition of physical, mystical and purely social relationships which give rise to obligations of solidarity and assistance among all the persons who consider themselves as parents. Thus a child is deemed to be the child of all concerned and is an integral part of a community.

111. The fragmentation of the extensive traditional family, the nuclearization of families and the socio-economic changes which developing countries are undergoing, in which life is becoming harder and more ruthless, are giving rise to radical social changes which are making the harmonious development of children difficult. As a result of these factors, the numbers of parents who neglect or fail to assume their duty of guidance and evade their responsibilities for the education of children have increased rapidly.

112. In divorce proceedings the young children are generally entrusted to the mother, who is awarded custody.

113. Children in moral danger are taken into care by charitable institutions.

(d) Family reunification

114. Article 10 of the Convention stipulates that a child and his or her parents have the right "to leave any country, including their own, and to enter their own country" for the purpose of family reunification or the maintenance of relations within the family. This article was clearly designed for countries experiencing exceptional events such as armed conflicts, civil war or social disorders.

115. Benin is not faced with any problems relating to armed conflicts, internal strife or social disorders arising from social or tribal rivalries. However, the rise in unemployment and poverty had led certain male heads of families to migrate seasonally to neighbouring countries to engage in casual labour, whence they periodically return to their families.

(e) Recovery of maintenance for the child

116. Fortunately, under the provisions in the Penal Code (known as the Bouvenet and Hutin Code) concerning desertion of the family (Law of 23 July 1942), moral desertion and financial desertion (Law of 5 April 1928) parents who desert their children can be brought before the courts. In practice many Beninese are unaware of these provisions and are unable to invoke them before a judge responsible for civil status matters or the President of the Court of First Instance with competence at their places of residence.

117. At this level it is essential that the State should take steps to disseminate the texts in simplified form and to inform the population of their rights and duties.

(f) Children deprived of their family environment

118. There are two types of children deprived of their family environment, namely stray or vagrant children; and orphans or foundlings.

119. Admittedly, much remains to be done by the State within the framework of its social policy to establish institutions providing shelter for the different categories of children concerned. However, certain non-governmental organizations, such as Terre des Hommes, the "Enfants en situation difficile" project, the Diocesan Development and Charitable Works Service and SOS Kinderdorf International accept and house hundreds of children every year to prepare them for integration into society.

Some statistical examples follow.

(1) SOS Kinderdorf International (1995)

Social condition	Girls	Boys	Total
Deserted	8	6	14
Orphans	21	33	54
Mother mentally ill	2	3	5
Social problem cases	2	8	10
Total	33	50	83

(2) Terre des Hommes

Programme for stray children:

1990	100 stray or deserted children (83 girls and 17 boys) admitted;
1991	291 children (189 girls and 102 boys);
1992	448 children (299 girls, 156 boys);
1993	596 children (398 girls and 198 boys);
1994	763 children (535 girls, 228 boys);
1995	885 children (646 girls, 239 boys);
1996 (up to end September)	697 children.

120. It can be seen from the foregoing figures that the proportion of girls averages approximately 70 per cent and that of boys about 30 per cent. As regards age, they vary from newborn babies to 15-year-olds (both sexes). The majority of the girls concerned have run away from their guardians' homes (they are known as Vidomegons).

121. The children admitted include newborn and abandoned babies; these are entrusted to Beninese couples with a view to adoption. Terre des Hommes determinedly follows a policy of promoting domestic adoption. With that end in view 24 children have already been placed with Beninese families; some of them have already been adopted, while others (placed more recently) are awaiting court judgements.

122. Some of the stray children admitted have been badly ill-treated and are suffering from serious bodily injuries, which often require medical treatment.

123. Since 1990, 30 of the children admitted had suffered ill-treatment; 15 of them were in a very serious condition.

(3) The "Enfants en situation difficile" project

124. The "Enfants en situation difficile" project (ESD) seeks to provide support for the human, social and spiritual development of disadvantaged children in difficult circumstances in a context of respect for the family, for African society and for the environment. The aims of the project are:

- To support activities for children and young persons in difficult circumstances in rural environments;

- To assist children in their efforts to survive and achieve autonomy by offering them support, training and reintegration in development projects;

- To search for all possible ways and means of averting difficult situations in cooperation with associations, apprenticeship centres and families;

- To participate in the drive for development and human promotion in a manner adapted to cultural values, the needs of the population and the resources available, so as to enable young persons and adolescents to grow up and develop their personalities.

125. The fields of activity of the project are:

(a) education in a non-custodial environment;

(b) education in institutions;

(c) reintegration into rural life;

(d) defence of the rights of the child.

The institutional facilities admit minors implicated in criminal cases, to offer them a non-custodial environment and to enable the police to carry out their enquiries. Statistics on the numbers of children concerned will be found in the annex.

(g) Adoption

126. The concept of adoption as laid down in the Dahomey Code of Customary Law does not take into account the best interests of the child. In certain tribes it frequently consists of giving the child to a father who is married but impotent or sterile (art. 195, para. 2). This concept of adoption is similar in many respects to that of delegation of paternal authority.

127. However, following a televised round-table meeting and a seminar organized with UNICEF and the Social Affairs Directorate, cases have been recorded of adoptions effected in accordance with articles 363 ff of the Civil Code. This form of adoption (especially by Beninese nationals) has developed rapidly. Several families have submitted applications. The families concerned are frequently couples who have not been able to have children of their own and have come over to the idea of accepting adoptive children in their families.

128. Benin gives priority to domestic adoption.

(h) Illicit transfer and non-return

129. Article 11 of the Convention on the Rights of the Child requires States to combat the illicit departure and non-return of children abroad organized by a parent or a third party.

130. Law No. 61-20, dated 5 July 1961, concerning the transfer of minors under age 18 outside the territory of the Republic of Dahomey, stipulates that no person under 18 years of age may leave the country unless he or she is the

bearer of a special permit issued by the subprefect in his place of origin. The other articles in that law permit prosecution of persons who have transferred a minor without the permit mentioned in article 1.

131. Notwithstanding all these provisions, even today it can be observed that the practice, far from being eradicated, is on the increase. There are networks of traffickers working through the towns and the countryside to entice young people - and especially children and girls in poor families - into seeking their fortunes abroad. As a result of a number of complaints received from Beninese living abroad or parents of children who have succumbed to this practice, the Government of Benin has become aware of the importance of the existing networks of traffickers and has adopted other appropriate administrative measures, such as Decree No. 95-191, dated 24 June 1995, laying down the procedures for the issue of administrative permits to leave the country for persons under age 18.

(i) Abuse and neglect (article 19), including physical and psychological recovery and social reintegration (article 39)

132. Article 312 of the Penal Code declares acts of violence against ill-treated and neglected children to be punishable offences. Likewise, heads of undertakings or individuals who agree to employ children normally prohibited from taking up paid employment in the incriminated conditions are liable to penalties. The withholding of food and care from a minor is also declared punishable.

133. Circular letter No. 100/MENC, dated 15 March 1962, prohibits corporal punishment in schools.

134. In contrast, parents are recognized by custom and practice as having the right to inflict corporal punishment on children within reason.

135. Street children sever relations with their fathers and mothers, and the heads of the gangs they join exercise over them the authority from which they have escaped. For such children recourse is had to articles 375-378 of the Civil Code to deprive the parents of parental authority, or to delegate it, and to organize educational assistance measures for the children's benefit.

(j) Periodic review of placement (article 25)

136. A child who has been placed by the competent authorities for the purposes of care, protection or treatment is entitled to a periodic review of the placement.

137. In Benin articles 48ff of Ordinance No. 69-23/PR/MJL, dated 10 July 1969, concerning the judgement of offences committed by minors under age 18, lay down the procedures for periodical examination and review of placements.

138. The re-education of minors placed on probation or required to undergo education in a non-custodial environment is conducted under the authority of the juvenile court judge, who coordinates the activities of the social workers, the children's delegates and all other persons concerned.

139. Individuals, institutions or heads of public or private vocational schools responsible for providing children with apprenticeship for a trade are required to submit periodic reports on the behaviour and activities of children placed with them and on the result of their interventions.

140. The purpose of educational assistance is to protect a child in danger or in difficult circumstances and to remedy the difficulties which are compromising his or her normal development. It does not seek permanently to organize the existence of a minor in isolation from his or her family.

141. The flexibility of this procedure enables changes to be made at any time in the measures in force in the light of elements in the situation and its development. However, the judge must endeavour to obtain the support of the family for any measure he envisages. Finally, the minor and his or her parents enjoy certain procedural guarantees.

VI. HEALTH AND WELFARE

142. The measures and activities undertaken by Benin in the fields of health and welfare appear to be in conformity with the spirit of articles 6, 18, 23, 24 and 27 of the Convention.

(a) Survival and development

143. Benin has adopted a number of strategies to ensure the survival and development of children, namely:

- The preparation of a national plan of action to ensure the survival, protection and development of children in Benin;
- Improvements in the quality, efficiency and coverage of the health services;
- Improvements in the supply of drinking water to the population;
- The establishment, by Decree No. 93-189 dated 9 July 1993, of the National Human Resources Commission to frame a population policy for Benin, the principal aim of which is the improvement of the living standards and quality of life of the population.

144. Benin's health policy is designed to raise life expectancy at birth from 54 years in 1992 to 65 years in 2016. The targets to be achieved are:

- A reduction in the mortality rate among children and young persons from 162 per mil in 1992 to 90 per mil by 2016, reducing the infantile mortality rate to 50 per mil and the juvenile mortality rate to 42 per mil - a reduction in the maternal mortality rate from 473 per 100,000 births in 1990 to 390 by 2016;

- A reduction in the percentage of deaths of persons under age 20 from 19 per mil in 1992 to 11 per mil by 2016;

- A reduction in the incidence of AIDS and sexually transmissible diseases;

- Promotion of responsible birth rates by encouraging family planning in order to achieve responsible sexuality;

- An increase in the proportion of persons resorting to contraception from 2 per cent to 40 per cent by the year 2016;

- Ensuring that everyone enjoys an adequate and healthy diet, of a nature to ensure nutritional well-being, everywhere and at all times;

- A reduction in the serious manifestations of malnutrition in protein and energy-producing foods (NPE) among children of age 10 and under.

(b) Disabled children

145. Within the framework of its national population policy, the Government is endeavouring to integrate disabled persons into the development process by improving knowledge of that vulnerable group and by encouraging the training of disabled persons by creating and maintaining conditions conducive to the satisfaction of their needs.

146. In September 1995 Benin took part in the regional seminar on legislation and the achievement of equality of opportunity for handicapped persons and also in the general assembly of the West African Federation for the Promotion of the Handicapped (FOAPH).

147. The department within the Ministry of Labour, Employment and Social Affairs responsible for the rehabilitation and social reintegration of disabled persons has created a community-based rehabilitation programme (RBC), the objective of which is to ensure that disabled persons are cared for by their respective communities. Implementation began in Benin in 1989.

148. Various activities have been undertaken with the active participation of the beneficiaries and other persons concerned in the following fields:

- Activities directed to the reduction of disabilities;

- Functional re-education;

- Appliances;

- Surgical operations;

- Schooling for handicapped children by means of a seminar workshop organized for teachers. That seminar developed their awareness of their role in the schooling of pupils with disabilities;

- Vocational training (some disabled persons who for various reasons can no longer be registered in schools have received training of this kind);

- Income-generating activities.

149. The programme seeks to help all disabled persons, with their full participation and without selective criteria.

150. During 1995 the numbers of disabled persons assisted by the RBC programme in the southern part of the country were as follows:

	152 persons in Toffo
	125 persons in Missérété
	167 persons in Comé
	125 persons in Cotonou II
	164 persons in Cotonou V and VI
	92 persons in Porto-Novo
Total	825

For information purposes the table drawn up in October 1995, showing the numbers of disabled persons assisted by the national RBC programme in Benin, is given below.

Disabled persons assisted by the RBC national programme in Benin, October 1995

	Cotonou II	Cotonou V	Cotonou VI	Comé	Toffo	Missérété	Porto-Novo	Total	% age
1. Total numbers	93	86	69	94	72		76	490	100.0
2. Sex									
M	61	49	34	57	36		44	281	57.3
F	32	37	35	37	36		32	209	42.7
3. Age groups									
0 to 5 years	18	25	24	10	10		23	110	22.4
5.1-10 years	26	20	11	22	20		17	116	23.7
10.1-20 years	34	23	22	23	26		23	151	30.8
20.1-30 years	9	13	9	20	8		9	68	13.9
30 years and over	6	5	3	19	8		4	45	9.2
4. Social standing of the family									
Rich	2	1	2	0	0		0	5	1.0
Middle class	21	19	16	3	9		27	95	19.4
Poor	38	39	32	21	36		32	198	40.4
Very poor	32	27	19	70	27		17	192	39.2
5. Type of handicap									
Blindness - sight impairment	5	6	6	31	1		2	51	10.4
Hearing difficulties - deafness	8	3	1	2	3		4	21	4.3
Speaking difficulties - dumbness	13	15	11	12	12		23	86	17.6
Sequelae of poliomyelitis	36	33	22	27	31		28	177	36.1
Spastic paralyses (IMC, etc.)	28	21	19	19	11		19	117	23.9
Retarded mental development	16	10	9	13	7		19	74	15.1
Unusual behaviour	0	1	0	0	0		0	1	0.2
Congenital or acquired deformities	3	18	16	4	13		9	63	12.9
Amputations	0	1	0	2	5		2	10	2.0
Other	9	4	6	10	6		1	36	7.3

151. Individual projects to provide support and education for the disabled are conducted by NGOs. These include the SOS Kinderdorf International village, which offered tricycles for disabled persons in the context of the International Year of the Family; and the "relay units" of the orthopaedic programme organized by Terre des Hommes, which encourage communities to organize themselves to ensure the integration of disabled children within their own communities.

152. Over 4,000 children have been taken into this programme; 800 of them are regularly monitored in their villages.

(c) Health and health services

153. During recent years, Benin, a pilot country within the Bamako Initiative, has substantially improved the availability of health care to all by encouraging the use of basic medicines through the creation of a central purchasing body for products and by developing a policy of community financing of health-care facilities (the average cost of treatment in a centre providing primary health care and forming part of the Expanded Vaccination Programme (BEV/SSP) is 665 CFA francs).

154. Significant improvements have been made in peripheral infrastructures thanks to a substantial programme for the rehabilitation or construction of peripheral health centres which is supported by the funding agencies. A number of hospitals in the départements and the National University Hospital Centre in Cotonou (CNHU) have also benefited from rehabilitation programmes. They serve as benchmark centres; but their operating costs, which are borne to a considerable extent by users, makes access to them difficult for the majority of the population.

155. Apart from the Expanded Vaccination Programme (PEV), under which excellent progress has been made with vaccination coverage, primary health care, particularly that involving advanced strategies, seems to be developing in fits and starts. This is evidenced by the following table.

Results, 1990-1995

Year	BCG	DTC1 POLIO1	DTC3 POLIO3	VAR (measles)	Drop-out rate
1990	94%	94%	78%	72%	17%
1991	81%	79%	68%	60%	13%
1992	83%	82%	72%	65%	12%
1993	88%	88%	75%	67%	14%
1994	89%	92%	82%	76%	10%
1995	94%	93%	81%	80%	12%

(d) Social security and child-care services and facilities

156. The peasant population and children in rural areas have no social security coverage. For established members of government staff there is an 80 per cent coverage of the cost of medical and health-care services. In contrast, patients have to bear the entire cost of medicines. Public servants covered by the collective agreements receive a measure of reimbursement which varies according to the case.

(e) Standard of living

157. Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. Primary responsibility for securing that standard of living for the child lies with the parents. The State has a duty to take steps to ensure that that responsibility can in fact be taken up. The responsibility of the State may include financial assistance to parents and their children.

158. In Benin, the draft Finance Act to cover the year 1996 provided for the launching of programmes by the Government to improve the living standards for the population in general and of children in particular, with the assistance of international organizations and a number of NGOs, to promote human resources and combat unemployment.

159. To reduce poverty and guarantee protection of vulnerable groups, the State has made the following provisions:

- A credit of FCFA 800 million to cover four-fifths of the cost of hospitalization of public officials;

- A credit of FCFA 1,100 million for the rehabilitation and maintenance of health infrastructures in the six départements of Benin;

- A credit of FCFA 450 million for the purchase of essential medicines under their generic names;

- A credit of FCFA 1,587 million as a contribution to the functioning of health centres other than the National University Hospital Centre (CNHU).

160. Several NGOs have been acting in parallel with the government institutions to provide health care for needy children, either by providing care locally or by evacuation where necessary. Between 1992 and 1996, Terre des Hommes, for example, evacuated 264 children suffering from exceptionally serious pathological disorders to specialist hospital centres in Europe.

Share of national budget devoted to children and trends therein

161. The proportion of budget expenditure devoted to health is on the increase. As can be seen from the following table, between 1990 and 1995 it increased from 3.67 per cent to 4.89 per cent.

Year	National budget	Total health budget	Health budget per inhabitant	Health budget as proportion of national budget (%)
1990	67 634 000 000	2 481 266 000	523	3.67%
1991	81 420 150 000	2 742 752 000	561	3.37%
1992	85 403 224 000	2 747 963 000	566	3.22%
1993	84 340 333 000	2 886 260 000	569	3.42%
1994	91 800 166 415	3 738 734 305	712	4.07%
1995	93 126 000 000	4 551 092 000	841	4.89%

Source: Revue à mi-parcours: Programme de coopération Bénin-UNICEF 1994-1998.

Community participation and financing

162. Community participation through community financing, which is a corollary of the Bamako Initiative, is an essential element in the functioning of the Benin health system. It is administered by the management committee in each subprefecture (COGES) and that of the municipality concerned (COGEC). Notwithstanding the provisions enacted and the machinery set up for the administration of community financing, it is impossible to estimate what proportion of health-care financing in Benin is covered by financing of this type.

International aid

163. The public investment programme (PIP) for 1995 indicates that in all FCFA 12,111,901,000 were invested in the health sector. Of this total FCFA 1,471 million (12 per cent) came from the national budget; the contributions of the NGOs totalled FCFA 37,509,000 (0.3 per cent); and those of the different partners and financing agencies aggregated FCFA 10,640,901,000 (88 per cent), of which FCFA 6,334,495,000 (52 per cent) consisted of grants and FCFA 4,306,406,000 (36 per cent) of loans.

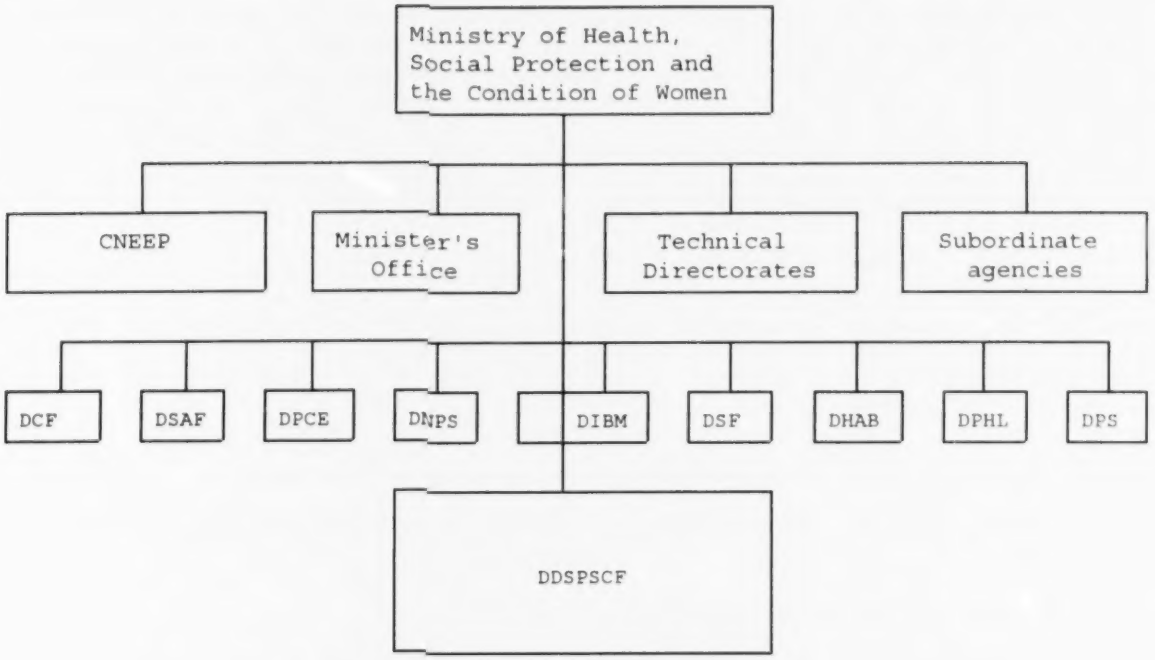
Organization of the national health system

164. The geographical structure of the health system corresponds to the administrative divisions of the country. It has a pyramidal structure made up of three levels:

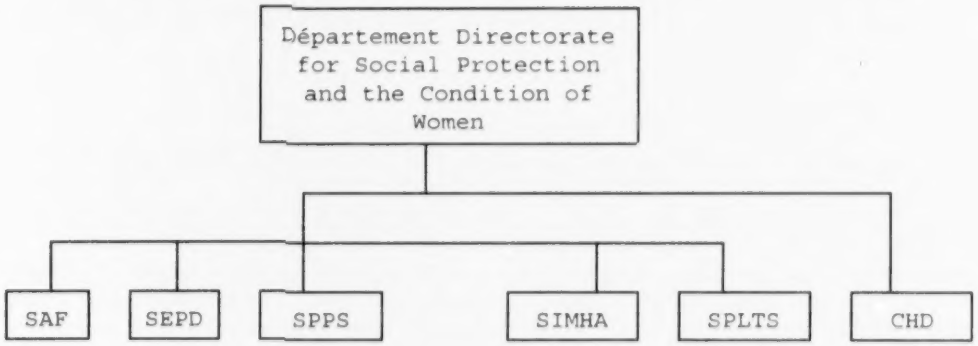
The sentral (or national) level;

The intermediate level;

The peripheral level.



Organization of peripheral level



Health zones

165. The health system may be subjected to certain changes with the gradual establishment of health zones in accordance with the recommendations of the round table for the health sector held on 12 and 13 January 1995. It is planned, as an experiment, to create two health zones in each département by the end of 1997. So far only two pilot health zones have been defined (in Tanguiéta and Natitingou). The definition of "health zone" corresponds to the WHO definition of a "health district".

166. Health zones should be considered as forming the peripheral level of decentralization. They are the functional grass-roots units of the pyramidal health system and the essential element for improvement of the quality of the care provided in peripheral areas. Each zone comprises a network of health centres backed up by a local hospital.

Schematic outline of health facilities

Level		Structure	Hospital and health institutions	Specialities
Central		Ministry of Health, Social Protection and the Condition of Women	National University Hospital Centre (CNHU)	Medicine Pediatrics Surgery Gynaecology and obstetrics Radiology Laboratory ENT, OPH Other specialities
Intermediate or départemental		Départemental Health Directorate (DDS)	Départemental hospital centre (CHD)	Medicine Pediatrics Surgery Gynaecology and obstetrics Radiology Laboratory Other specialities
Periphery	Administrative seat of sub-prefecture or urban district	Health centre of sub-prefecture or urban district (CSSO/CSCU)	Health centre of sub-prefecture or urban district (CSSO/CSCU)	Medicine Surgery Maternity Radiology Laboratory Pharmacy
	Administrative seat of municipality	Municipal health complex (CCS)	Municipal health complex (CCS)	Dispensary Maternity Pharmacy
	Village or section of town	Village health unit (UVS)	Village health unit (UVS)	Treatment Child-birth Pharmaceutical kit

Source: SSDRO-MSPSCF

Human Resources

Medical staff

Category	Numbers	Percentage of total
Agrégé professors	33	42
Assistant professors	22	28
Specialist practitioners	14	18
General practitioners	4	5
Dentists	3	4
Pharmacists	2	3
Total	78	100

Paramedical staff

Category	Number	Percentage of total
Nursing staff:		
Nurses	250	51
Midwives	45	9
Auxiliary nurses	127	26
Laboratory technicians	53	11
Radiology technicians	7	1
Other technicians	10	2
Total	492	100

Distribution of health-care personnel (public sector) in 1995

(N = national budget; O = other budgets)

Socio-professional category		Atacora		Atlantique		Borgou		CNHU		Mono		Oueme		Zou		Central directorate		All Benin		
		N	O	N	O	N	O	N	O	N	O	N	O	N	O	N	O	N	O	Total
Physicians	GPs	11	2	9	3	16	4	0	2	6	2	14	2	1	1	11	2	68	18	86
	Surgeons	3	1	1	0	2	0	17	0	1	0	4	0	3	2	0	0	31	3	34
	Gynaecologists	1	1	9	0	2	0	6	0	2	0	8	0	4	0	0	0	32	1	33
	Pediatricians	0	1	10	0	2	0	6	0	1	0	6	0	2	0	0	0	27	1	28
	Cardiologists	0	0	0	0	0	0	3	0	0	0	1	0	1	0	0	0	5	0	5
	Ophthalmologists	0	1	0	0	2	0	4	0	2	0	2	0	0	0	0	0	10	1	11
	ENT specialists	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3	0	3
	Dermatologists	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3	0	3
	Anesthestist and reanimation	0	1	0	0	0	0	4	0	0	1	0	1	1	0	0	0	5	3	8
	Biologists	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	1
	Radiologists	0	0	0	0	0	0	2	0	0	0	0	0	1	0	0	0	3	0	3
	Other	4	1	8	0	3	3	16	6	8	0	14	0	16	0	15	6	84	16	100
	TOTAL	19	8	37	3	27	7	64	8	20	3	50	3	29	3	26	8	272	43	315
Nursing staff	D/E	36	0	82	10	37	3	22	173	55	12	82	0	49	0	9	2	372	200	572
	Health	63	0	36	6	145	21	7	34	29	9	53	31	28	0	2	1	363	102	465
	State	14	0	17	2	0	0	0	14	23	1	30	0	1	0	0	0	85	17	102
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	113	0	135	18	182	24	29	221	107	22	165	31	78	0	11	3	383	319	1 139
Midwives	D/E	25	0	134	17	34	10	27	18	35	7	80	5	41	0	7	0	383	57	110
	Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	25	0	134	17	34	10	27	18	35	7	80	5	41	0	7	0	383	57	110
Laboratory technicians	Level A	4	0	3	0	3	0	2	15	0	0	9	0	2	0	19	0	42	15	57
	Level B	6	0	7	0	14	4	1	28	7	1	10	1	7	0	17	1	69	35	104
	Level C	7	0	12	0	4	1	1	6	15	2	13	0	11	0	8	0	71	9	80
	TOTAL	17	0	22	0	21	5	4	49	22	3	32	1	20	0	44	1	182	59	241
Radiology technicians	Level A	3	0	4	0	6	0	0	7	1	0	7	0	7	0	0	2	28	9	37
	Level C	1	0	0	0	0	0	0	0	1	0	2	0	0	0	0	1	4	1	5
	TOTAL	4	0	4	0	6	0	0	7	2	0	9	0	7	0	0	3	32	10	42
Auxiliary nurses		65	0	108	83	69	124	4	123	25	143	77	0	54	0	3	0	405	473	878
Pharmacists		0	1	0	1	1	0	2	1	0	0	1	0	1	0	5	2	10	5	15
Dentists		1	0	1	0	2	0	2	1	0	0	4	0	3	0	2	0	15	1	16
Health action inspectors		0	0	4	0	1	0	0	0	0	0	7	0	0	0	0	0	12	0	12
Other		322	0	62	178	264	88	13	198	15	48	75	372	54	0	162	92	967	976	1 943
GRAND TOTAL		566	9	507	300	607	258	145	626	226	226	500	412	287	3	260	109	3 098	1 943	5 041

Source: SSDRO/ms

Access to information concerning the health and nutrition of children

167. Information is transmitted by development of awareness among programme leaders at the level of the mass media and in the national languages. The other sources of information are the management committee (COGES) and the community-based information system (SIBEC).

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

168. The general situation in education in Benin is illustrated by the following:

The school attendance rate (in 1992) in primary education (children between ages 5 and 14) was 59.9 per cent (girls 42.6 per cent, boys 75.3 per cent); the distribution of pupils by sex is unbalanced (girls 33.9 per cent, boys 66.1 per cent);

Some 2 per cent of children of pre-school age are registered in formal educational structures;

The general level of illiteracy is 77 per cent (88.3 per cent among women).

169. These indicators reflect a deeply disquieting situation and serious imbalances at the level of fundamental education. Although the Constitution stipulates that primary education is free and compulsory, this is not always the case in practice.

(a) Education

Organization of the education system

170. Three forms of education are encountered within the education system: traditional education, structured formal education and non-structured education. These three forms are so little integrated into one another that one must think in terms of three separate systems.

The traditional system

171. This is the oldest of the education systems. From birth onwards the child grows up in a local family and community environment in which he is educated in accordance with the current rituals and customs.

172. If a child grows up and passes through every stage of the growing-up process in that environment, he will have absorbed the lessons taught by those rituals and customs. He will learn on-the-job one of the trades practised in that environment or will become part of the system of production of goods and services of his parents. On reaching adult age he will be freed from family constraints and will be able to marry in order to form his own household. Over 40 per cent of all children (60 per cent of girls) of school age are still within this system.

Structured formal education

173. Structured formal education was introduced with colonization; it is imparted entirely in French.

Since Benin achieved independence in 1960, the organization of formal education has passed through four principal phases:

- The first phase, covering the period 1960 to 1976, followed the classical form inherited from the French system, with subsidized private schools existing side by side with the public education system;

- Beginning in 1976, the educational system was reformed; the New School was established, and private education at general secondary level was abolished;

- The evaluation seminar on the New School, held in 1981, rectified the major guidelines adopted in 1976 and gradually adapted the functioning of the system to bring it into line with that in force before 1976;

- This process of adjustment was completed in 1990 by the organization of the Educational Estates General, as a result of which an outline document on educational policy was adopted in 1991.

174. Private education was once again authorized, and the number of facilities for which fees were charged was increased, even within public education.

175. Today the formal education system comprises three levels; the first level includes nursery schools and primary education; the second, general secondary and technical and vocational education; and the third, higher education.

Non-structured education

176. As the formal education system has been unable to resolve either the problem of illiteracy or that of technical human resources, a widespread network of on-the-job apprenticeships in modern trades, and structures to promote literacy in national languages, have developed.

1. The formal schooling system

177. The formal schooling system in Benin embraces both the public and the private sectors. It is subdivided as follows:

- Pre-school or pre-primary education, lasting two to three years;

- Primary education, of six years' duration. On entrance pupils are 5-6 years of age. The "certificate of primary and elementary studies (CEPE)" is awarded on successful completion of primary education;

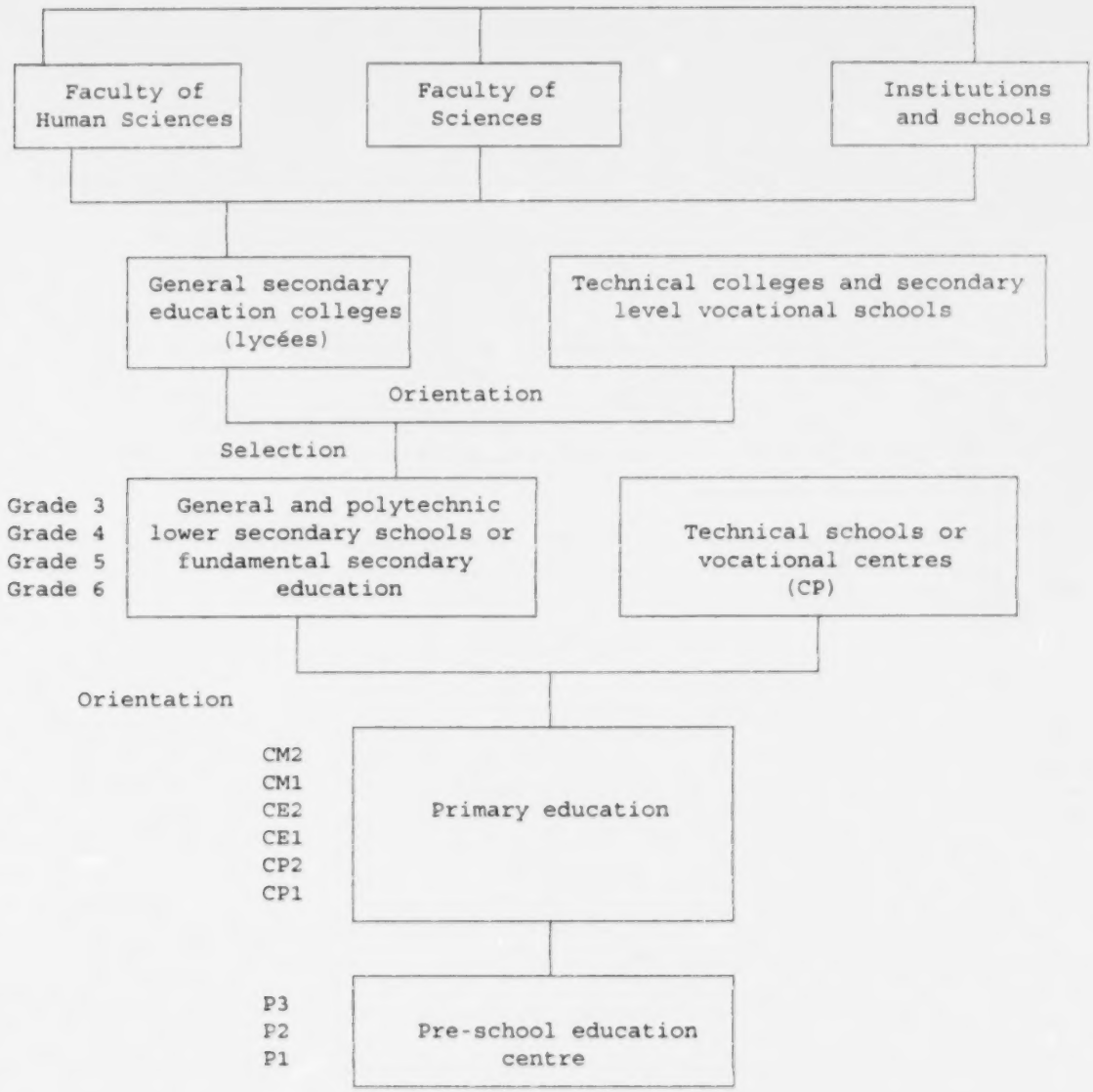
- Secondary education, which is divided into general secondary education and technical and vocational education;

- Higher education, provided by the National University of Benin;

- Specialized training schools and institutions.

178. State facilities are complemented by private and denominational schools at all levels of education (primary, secondary, university).

Organization chart of the formal education system in Benin



2. The situation in education

179. Following a serious crisis at the end of the 1980s (mainly one of loss of confidence), the educational system has been endeavouring to overcome certain difficulties. However, as can be seen from the following indicators, many problems still remain.

	Boys	Girls	Total
Gross school attendance rate (1995)	87.6	50.1	69.6
Net school attendance rate (1995)	67.6	40.5	54.6
Drop-out rate (1993)	11.38	12.00	11.59
Repeat rate (1993-94):			
C1 (First year)	24.08	26.24	24.79
CM1 (Fifth year)	33.59	37.67	34.81
CM2 (Sixth year)	30.24	30.12	30.23
Success rate	Out of every 1,000 children registered in C1, 319 reached CM2 level (1991)		

180. These national averages still do not reflect a substantial difference between départements and between urban and rural areas. Thus the two most northerly départements have remained particularly disadvantaged, whereas the department of Mono has escaped from the group of "laggards", as can be seen from the following table:

"Deficit" départements	ATACORA		BORGOU		MONO	
	1989	1994	1989	1994	1989	1994
Gross overall attendance rate	43.52	43.47	38.32	37.54	46.27	64.66
Gross attendance rate (boys)	58.12	56.29	48.56	45.61	62.48	86.55
Gross attendance rate (girls)	26.48	29.04	26.95	28.73	26.51	40.2

181. Similarly, in certain rural areas in the other départements standards fall far short of the average for the départements concerned.

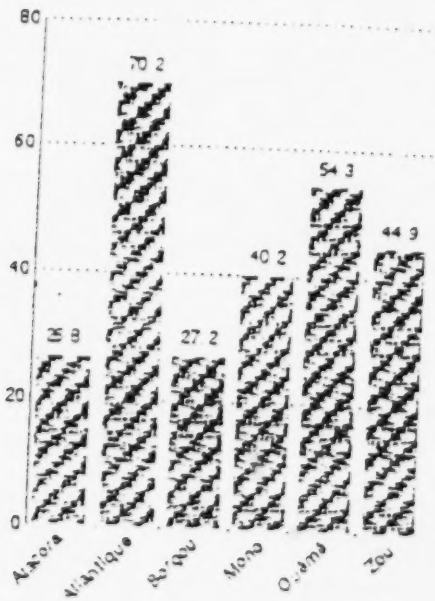
182. Access to primary education is facilitated by the fact that there are a large number of schools (nearly 3,000, with nearly 700,000 pupils in all); but in rural areas the system of biennial periodicity (intake every two years)

encourages pupils required to repeat a year to drop out. At a time when the numbers of pupils are increasing, the number of classrooms is insufficient; the situation is worsened by the poor quality of the infrastructural facilities available.

183. The obligation to attend school has been statutory since 1975 but has remained a pious hope. The number of teachers has been falling since 1989 on account of the recruitment freeze introduced in 1986 in connection with the structural adjustment programme, while the number of pupils is continually rising. Between 1991 and 1994, the number of teachers in the primary public education system fell from 13,168 to 12,166. It is thus not surprising that the pupil-teacher ratio has increased from 35.94:1 in 1991 to 48.34:1 in 1994. At the beginning of the school year 1995-1996 there was a shortage of 1,600 teachers. In some places the local population remedies this shortage by recruiting and paying a "tutor", who looks after a class under the supervision of the school head. The instability of staff in rural areas, and particularly in the northern part of the country, adversely affects both school performance levels and the image of the schools concerned.

184. The disparity between the rates of school attendance for boys and girls respectively is hardly decreasing at all, even though the numbers of girls attending school have shown a proportionately greater increase than the numbers of boys (between 1989 and 1995 the numbers of boys attending school increased by 30 per cent and that of girls by 39 per cent); but the difference between the two school attendance rates has not lessened. Here again, there are major differences between regions; the difference between the attendance rate of girls in Atacora and that of girls in Atlantique is one of 40 points.

Gross school attendance rates among girls by département in 1993/94



Source: Revue à mi-parcours, Programme de coopération Bénin-Unicef, 1994-1998.

185. The disparities in access to school by sex are due to a complex of economic and socio-cultural factors; they also derive from the educational system itself. The insufficient adaptation of teaching to the needs and problems experienced by the population and to their expectations is seen as a discouraging factor; parents do not see how the schools meet their concerns. The insufficient relevance of the content of the teaching discourages girls even more than boys on account of the views which the majority of parents have on the role of women and on apprenticeships. The lack of flexibility in the education system, and in particular school hours, are major obstacles to school attendance, particularly among girls. Repeated failures lead parents to consider schooling in general, and in particular schooling for girls, as a waste of time and money. The girls themselves are discouraged by failures and are frequently tempted to drop out.

186. The reticence of parents is increased by the behaviour of certain teachers, who abuse girls. The low proportion of women teachers in rural areas (they only make up 13 per cent of teachers in rural areas as against 51.8 per cent in urban areas) has a negative effect on the admission of girls to school and the continuation of their studies there. The interaction of the negative factors relating respectively to supply and demand can be summed up in the words of one father of a family: "there is no point in sending girls to school; it is a gamble" - a gamble in which the parents have no control and in which they are consequently reluctant to expose their daughters.

New educational policy

187. In view of the problems facing the education system, the Government of Benin has since 1991 been developing a new educational policy, the main principles underlying which are: equality of opportunity for all; improvement of the quality of teaching; rehabilitation of institutional structures; training for self-employment; and control of the cost of education. Fifteen action plans, which constitute the framework of the reform, have been drawn up and are gradually being implemented. The "access" plan of action tackles the problem of schooling for girls, while the "basic quality school" plan is a planning tool defining a process designed to improve the school environment and teaching staff.

188. To encourage girls to attend school, the Government decided in September 1993 to exempt girls in rural areas from all tuition fees. As a result of this measure the increase in the attendance rate among girls has been higher than that among boys over the last two years; but the measure falls far short of removing all constraints, particularly in areas where the latter are more social and cultural than economic.

189. The problems relating to the dichotomy between the school and the environment, the question of the purposes and perception of school, and that of the fall-off in numbers of pupils between the first two years and the end of the cycle, remain entire, and the reform has not yet really come to grips with them.

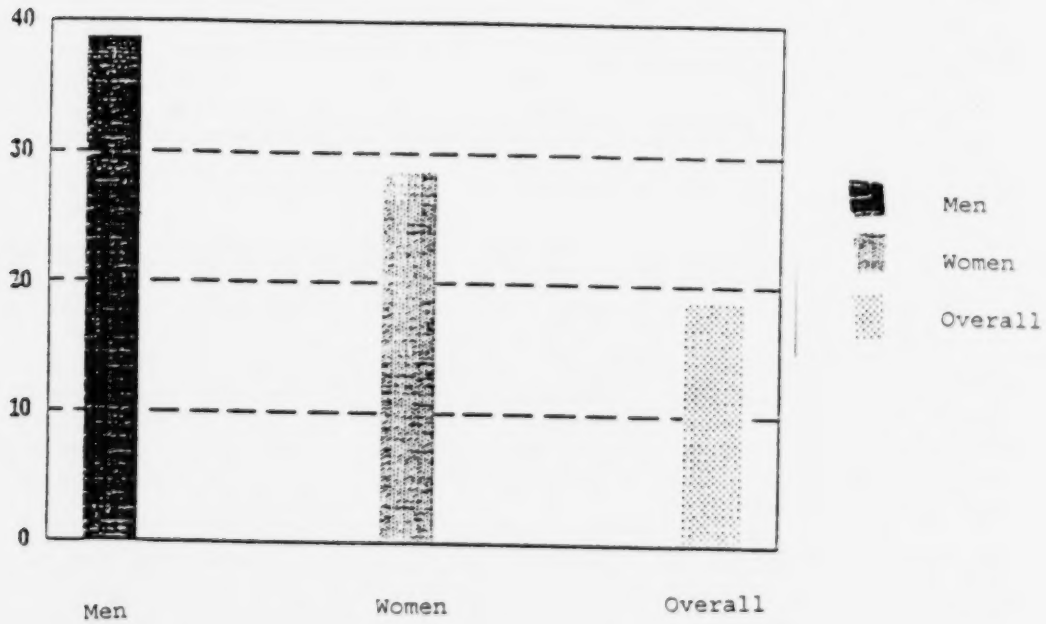
190. Since 1991 the United States Agency for International Development (USAID) has provided assistance totalling US$ 57 million and is providing technical assistance within the framework of the different plans of action.

The World Bank is taking the initial steps in an education development project (US$ 22 million) which contains provision for research into measures to promote school attendance among girls. The various bilateral cooperation agencies are assisting either in the primary or in the secondary sector. International NGOs, such as World Education and Aide et Action, are also contributing to the renovation of the system.

Non-formal education

191. Progress in this sector seems even slower. The literacy rates formed during the 1992 general population census demonstrate the scale of the problem.

Literacy rates by sex (1992)



Source: 1992 general census

192. Notwithstanding the definition of new strategies in 1994, the organization of literacy teaching in the field still often suffers from the same shortcomings: low standards, and low pay, among literacy teachers; failure to integrate literacy into other branches of adult training; little effort to take into account the needs of the pupils; excessively magisterial apprenticeship methods; and weak follow-up on literacy measures.

193. There are still constraints on literacy for women, although the fact that there are now more women literacy teachers (principally in Borgou and Zou) has helped to reduce to some extent the reticences of the husbands.

194. However, some measures deserve mention. Several NGOs (the number of which has increased strikingly since 1990) are introducing literacy activities with the women's groups they assist. Groups of villagers (and in particular the groups of cotton producers in Borgou), who are already illiterate in their national language, appear to be asking for training comprising both literacy and management techniques (in French). In Cotonou literacy in French is proving of interest to young people and women. Within the framework of certain projects supported by international organizations, literacy is linked to training in other subjects (management of small credits, health education). Health education is developing at village level through the intermediary of the Village Volunteers and of mothers who act as group leaders. However, the principal difficulty remains; economic and socio-cultural constraints frequently impede the practical application of the information received. In addition, men still have little involvement, and little wish to become involved, in information, education and communication activities (IEC), as they consider children's health problems as being matters for women.

195. The courses most frequently followed in urban areas by young people who have dropped out of school, or have never been to school, are vocational apprenticeships with a master craftsman. In 1988 it was estimated that there were over 30,000 apprentices. With the assistance of the German bilateral cooperation organization, training centres are being established to retrain master craftsmen and develop their technical, management and teaching skills. Although the trend is still limited in extent, more and more girls in the towns are deciding to take up apprenticeship in traditionally masculine trades.

196. In addition to approximately 40 centres for women which were established a number of years ago in the Zou by the Diocese of Abomey, two interesting experiments - the Songhai Centre and the project conducted by EFOR (a non-governmental organization) - have been developing in recent years. The Songhai Centre trains young people and adults in rural areas in vegetable and livestock production; EFOR, which for the moment operates only in the Atlantique département, targets young persons between ages 15 and 20, whom it trains in various techniques (joinery, fish rearing, sheet metal working, etc.) and literacy.

197. An applied research project entitled "Implication of communities in an experiment with non-formal education for girls in a rural environment", supported by UNICEF (1993-1994), revealed a high level of demand for education and possibilities of involvement of communities at the same time as a very high level of attraction to trades such as dressmaking and hairdressing.

198. Devaluation and structural adjustment programmes have increased the pressures on families, particularly in urban areas; as a result, the numbers of children in difficult circumstances are steadily increasing.

199. Little has been done to provide education for children in difficult circumstances and disabled children. Efforts are made from time to time by NGOs or within projects supported by external finance. It is no more a matter of concern to decision-makers or public opinion than previously.

VIII. SPECIAL PROTECTION MEASURES FOR CHILDREN

(a) Children in situations of emergency

200. Benin has adhered to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and also to the 1969 OAU Convention governing the Specific Aspects of Refugee Problems in Africa. Thus in the field of assistance to refugees the country enjoys excellent cooperation with the Office of the United Nations High Commissioner for Refugees (HCR).

201. Benin is offering shelter to refugees from several countries (Chad, Burundi, Rwanda, Togo, Nigeria). The care of refugees from Togo constitutes a special aspect of cooperation with the HCR. In 1993, Benin admitted nearly 150,000 refugees from that country.

202. Since December 1995 there have been a number of Nigerian nationals (approximately 1,000, including 84 children under age 18) in the country.

203. As a result of the support given by the Government of Benin, these children are able to continue their studies normally at every level of education.

(b) Children in conflict with the law: the administration of juvenile justice

204. The administration of justice in Benin is governed by Ordinance No. 69-23, dated 10 July 1969, relating to offences committed by persons under age 18. This ordinance divides minors into two categories: those under age 13 and those aged 13 or over.

205. A minor under age 13 who commits an offence can only be subjected to supervision, surveillance or re-education measures. He may not be subjected to any penal sanction (art. 23 of Ordinance 69-23 of 10 July 1969).

206. If charges are brought against a minor aged 13 or over, the Public Prosecutor refers the case to the juvenile court. The latter may either order guardianship or re-education or, in the event of a repeated offence, award a penal sanction. In the latter case, the sentence awarded may not exceed half the sentence which an adult would have incurred.

207. There are currently provisions in force permitting the issue of banning orders, covering periods of not less than 5 years and not more than 10, against minors. However, it should be pointed out that measures to abolish these provisions, which are not in conformity with the spirit of the Convention, are under consideration.

Treatment of minors deprived of liberty

208. The current tendency is to avoid sending minors to prison. However, cases may arise in which a minor is provisionally deprived of liberty during the period of investigation on account of the seriousness of the offence committed or because the minor is a habitual offender. In these specific circumstances he or she may be placed in preventive detention in a local prison.

209. It must unfortunately be recognized that the conditions of incarceration of these children are not conducive to their normal development on account of overcrowding in the central prison, which makes it impossible to set aside a special compound for minors. Thanks to the joint action of the Government, NGOs and the Benin Human Rights Commission for the Protection of Persons Deprived of Liberty, measures have been taken to remedy this situation. The officials of the prison administration now ensure that minors in detention are kept apart from adults.

210. At present only the prisons in Cotonou and Porto-Novo have compounds for minors. It should be mentioned that, under a project for the rehabilitation and construction of local prisons organized by the Aid and Cooperation Fund (FAC), all the prisons in Benin will have special compounds for minors. It is equally important to point out that at present there are no children in detention in the prison in Cotonou. Two minors are currently being held in Porto-Novo pending placement in appropriate facilities for re-education.

Institutions admitting children in conflict with the law

211. The National Centre for the Protection of Children and Young Persons (CNSEA) is at present the only State institution concerned with the admission, re-education and social reintegration of minors in difficult circumstances. It admits minors on a reasoned order from a juvenile court judge.

212. The Listening and Guidance Centre (CEO) of the archbishopric of Cotonou, an institution of medium capacity, admits delinquent minors sent by the Office of the Juvenile Court or by the Brigade for the Protection of Minors; it gives them vocational training to enable them to reintegrate into social and working life. This institution also helps juvenile court judges to find the families of children.

213. Delinquent minors can commit the same offences as adults. There is abundant evidence to show that many offences usually committed by adults are now being committed by minors. In the 17-18 age group one encounters gangs, trafficking in children, fraud, confidence trickery, possession of and trading in Indian hemp, abandonment of newborn children, etc. (see statistical table of offences below).

STATISTICS OF CRIMES AND OFFENCES COMMITTED BY MINORS, 1985-1990
(Age group: 12-18 years)

Year	Theft	Receiving stolen goods	Wilful bodily harm	Fatal bodily harm	Possession and use of Indian hemp	Murder	Fraud and confidence trickery	Acts of violence, assault
1985	1	1	-	-	-	-	-	-
1986	2	1	2	-	-	-	-	-
1987	7	1	1	-	-	-	-	-
1988	14	3	4	1	1	1	-	-
1989	10	1	1	-	-	1	1	-

STATISTICS OF CRIMES AND OFFENCES COMMITTED BY MINORS, 1990-1995

(Age group: 12-18 years)

Year	Theft and attempted theft	Receiving stolen goods	Bodily harm, assault	Confidence trickery, fraud	Accessory to rape	Rape	Insulting behaviour to police	Indecent exposure	Man-slaughter	Murder, assassination	Possession or use of Indian hemp	Forgery and use of forgeries	Damage to property, violation of domicile	Poisoning
1990	46	12	13	3	2		1	1			1		2	
1991	36	7	15	2	1	1			1		1		3	1
1992	38	10	14	3	4	1	2		1				1	
1993	34	9	13	3	6	1	2				4	1	1	-
1994	36	8	10	5	4	2					1	1	1	
1995	36	14	11	1	2	4		1	1		3	1	1	

STATISTICS OF CRIMES AND OFFENCES COMMITTED BY MINORS, 1990-1995 (continued)
(Age group: 12-18 years)

Year	Attempted murder	Poisoning	Fatal injury	Criminal gang activities with or without receipt of stolen goods	Administration of substances harmful to health	Abandonment of newborn child	No driving licence, hit-and-run behaviour, lack of control of vehicle	Possession and passing of forged banknotes	Arson, destruction of plantations	Kidnapping, unlawful confinement, attempted trafficking in minors	Abduction of minors	Refusal to comply with court order	Accidental injury
1991	-	-	1	1	1	-	-	-	-	-	-	-	-
1992	-	-	-	1	-	-	1	-	-	-	-	-	-
1993	-	-	-	-	-	1	1	-	-	-	-	-	-
1994	1	-	-	-	-	-	1	1	1	1	1	1	-
1995	-	-	-	-	-	-	-	-	-	1	-	-	1

OFFICE OF THE JUVENILE COURT JUDGE OF THE COURT OF FIRST INSTANCE IN PORTO NOVO, 1995-1996
(Age group: 12-17 years)

Year	Confidence trickery	Fraud	Theft	Wilful bodily harm	Receiving stolen goods	Poisoning	Assault	Larceny	Manslaughter	Possession of Indian hemp
1995	1	1	16	7	14	2	7	1	1	1
1996	2	2	32	9	12	1	6	0	1	1

ESD project, COTONOU: CONDENSED STATISTICS

PROGRAMMES AND OBJECTIVES / ACTIVITIES		Programme 1: Education in non-custodial environment				Programme 2: Monitoring/boarding school: reintegration: workshops				Programme 3: Reintegration in rural areas		TOTALS FOR PERIOD 1988-1993					
NATIONALITY		Beninese (B)		Foreign (F)		B		F		B	F	B	%	F	%	TOTAL	%
SEX		M	F	M	F	M	F	M	F	M	M						
Direct assistance to young persons	Workshops	39	X	85	42	25	X	2	1	13	X	77	37.2	130	62.8	207	3.3
	Market gardening	82	X	X	X	X	X	X	X	37	30	119	79.8	30	20.1	149	2.3
	Minor trades	64	9	27	13	58	41	7	X	X	X	172	78.5	47	21.4	219	3.6
	Agricultural production	107	X	X	X	X	X	X	X	45	18	152	89.4	18	10.6	170	2.8
	Interviews	213	87	196	169	296	95	304	127	X	X	691	46.4	796	53.5	1 487	23.0
	Sport/Culture	232	X	80	X	69	41	9	1	45	48	435	82.8	90	17.2	525	8.3
	Literacy	71	27	X	X	X	X	9	1	45	48	143	71.1	58	28.9	201	3.2
	Health	472	95	85	42	58	41	9	1	45	48	711	79.3	158	20.7	896	13.8
	Legal assistance	649	148	12	X	67	41	9	1	X	X	901	97.1	26	2.9	927	14.4
	Drug use										X						89%
	Relations with families										X						91%
												TOTAL				4 781	73.80%
Indirect assistance to young persons	Sport/Culture	168	59	91	70	121	X	X	X	X	X					509	7.9
	Basic education	539	281	114	84	58	07	04	X	X	X					1 087	16.7
	Small-scale socio-economic projects	45	X	20	31	05	X	X	X	X	X					101	1.6
	TOTAL										X					1 697	26.20%
	PERCENTAGE																
		2 681	706	710	451	757	266	353	132	230	192					6 478	100%

C. Children in situations of exploitation

Economic exploitation of children

214. Articles 107 and 108 of Ordinance No. 33 PR/MFPTT (Labour Code) stipulate that "children may not be employed in any enterprise, even as apprentices, before reaching the age of 14 years". The categories of enterprises and the nature of the tasks in which young persons may not be employed, and the ages at which those prohibitions cease, are fixed by decree. A labour inspector may have children examined by an approved physician to establish whether the work assigned to them exceeds their strength. Apprenticeship is regulated by the Labour Code; but it must be stated that in the informal sector children serving apprenticeships live and work in conditions which are extremely difficult and harmful to their health. The Government is aware of this situation and has organized a national study week on child labour.

215. This seminar provided a venue for an objective evaluation of child labour, a discussion of the protective measures to be taken, the preparation of a national plan of action permitting the prohibition of child labour, and the organization of a rational system of management of apprenticeship by means of the creation of apprenticeship and retraining centres in the départéments and the organization of examinations on completion of apprenticeship.

Measures to combat exploitation of children in the parallel sector

216. A study established that substantial numbers of children, mainly girls (known as Vidomegons) from rural areas, who have never attended school, are placed in families to do domestic work. There are approximately 100,000 Vidomegon children; 92 per cent of them are less than 14 years old and 85 per cent are girls.

217. To deal with this problem the Government, assisted by certain international organizations (the programme of cooperation with UNICEF for 1994-1998) and specialized institutions, has taken protective measures. A number of activities on behalf of this group of children have been undertaken by the Social Protection Directorate with the cooperation of UNICEF as part of its "Enfants in situation difficile" project (ESD). Considerable efforts are being made to develop public awareness of the problem of the Vidomegons by means of sketches, documentary films and other media productions. The campaign is being conducted in French and the national languages.

218. Investigations are being conducted, in cooperation with the Brigade for the Protection of Minors (BPM), to identify cases of ill-treatment of minors with a view to punishing those responsible. A legislative instrument to regulate the conditions of placing of children over age 14 in families is at the drafting stage. In 1994 an inquiry was carried out by UNICEF and the Ministry of Labour and Social Affairs on runaway and abandoned children in Benin. The inquiry covered 155 households in Cotonou and Porto-Novo; 40 parents in rural areas in 12 subprefectures in Zou; and 441 children (214 of them Vidomegons) in Cotonou, Porto-Novo and Djougou. The findings included the following:

219. Of the households studied in Cotonou and Porto-Novo, 65 per cent had a Vidomegon; the numbers of children involved exceeded 1.3 per household. Of the Vidomegons identified, 85 per cent were girls. Nearly 20 per cent were under age 10 and 72 per cent between ages 10 and 14. Ninety per cent of them had never attended school.

The following tables show the percentages of households in Cotonou, broken down by socio-professional category, which have Vidomegons and describe the activities of the latter.

Socio-professional category	Percentage of households with Vidomegons
Housewife, shop employee	66
Artisans, tailors	15
Trading women (wholesale and retail)	7
State employees (established)	5
Others	7

Work done by Vidomegons	Percentages
Domestic tasks	52.5
Domestic tasks and ambulant profit-earning tasks	10.2
Domestic tasks and sedentary profit-earning tasks	25.4
Other	11.9
Total	100.0

Source: UNICEF/MTEAS report (June 1994).

Anti-drug campaign

220. Drug use is gaining in importance. However, it affects primarily children between ages 15 and 18. The problem is a serious one. Statistics indicate that very few children are involved; however, the true situation is probably different.

221. A brigade to handle cases relating to morals and narcotics has been established and attached to the Directorate-General of the National Police within the Ministry of the Interior.

222. Benin has ratified:

- The Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol;

- The 1971 Convention on Psychotropic Substances;

- The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Penalties for offences in this field are laid down in a decree dated 26 January 1926. The maximum penalty for the use or possession of drugs or trafficking therein is 24 months' imprisonment. A draft amendment of that text designed to increase the penalties is under study.

Protection against all forms of violence and sexual exploitation

223. The measures taken to protect children against all forms of violence and sexual exploitation take their effect at different levels.

Articles 332 ff. of the Beninese Penal Code lay down severe penalties for the rape of a minor.

Procuring is punishable under articles 330 ff. of the law of 13 April 1916 (Penal Code). A procurer is liable to six months' to two years' imprisonment and a fine of FCFA 400,000 to 4 million.

The penalties are greater (two to five years' imprisonment and a fine of FCFA 1 million-10 million) if the offence concerns a minor.

Prostitution by minors exists but is not punishable by law; it affects young persons between ages 16 and 18. Measures to protect the persons concerned are taken by the juvenile court judge. Parents who encourage their children to prostitute themselves are severely punished by the competent authorities.

224. Efforts are being made to combat excessively early and forced marriages. There are no specific legislative instruments prohibiting excessively early marriages. However, the conditions of age laid down in the instruments relating to consent make a measure of control at that level possible. Likewise, there is no legislation prohibiting forced marriages. However, where illegal confinement, acts of violence or assault has taken place, the judicial authorities can intervene to assist the child.

225. Begging is widespread; it is prohibited in general terms by articles 214 ff. of the Benin Penal Code, but there are no specific texts prohibiting begging by minors. However, it must be pointed out that action at this level is difficult to contemplate, inasmuch as the parents themselves send their children out to beg and are sometimes difficult to locate.